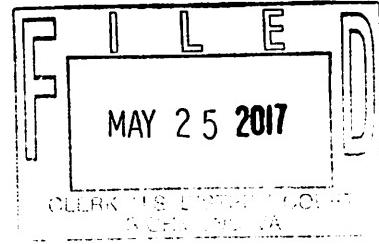


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division



CAROLYN WITT,

Plaintiff,

v.

Civil Action No. 3:15cv386

CORELOGIC SAFERENT, LLC
et al.,

Defendants.

ORDER

Having considered the DEFENDANTS' MOTION TO COMPEL (ECF No. 186), the supporting, opposing and reply memoranda, it is hereby ORDERED that the DEFENDANTS' MOTION TO COMPEL (ECF No. 186) is denied because:

(1) the cited Requests for Production of Documents Nos. 5 and 7 do not seek the kind of information that is sought by the Motion to Compel; and,

(2) the plaintiff's objection is well-taken because those two Requests for Production are so far-reaching and vague as to be invalid; and further because a reasonable reading thereof would not encompass the letters sent by counsel to the potential class members.

Finding that the terms of the STIPULATED PROTECTIVE ORDER AND NON-WAIVER ORDER (ECF No. 94) require that plaintiff's counsel secure permission of opposing counsel before sharing any document covered by that Order and that plaintiff's counsel used information from such

documents in communicating with putative class members without first complying with that Order, it is ORDERED that plaintiff's counsel shall not use the information from the Results Returned Database in any fashion to communicate with potential class members or others without further permission from the Court.

However, raising a violation of the STIPULATED PROTECTIVE ORDER AND NON-WAIVER ORDER through a Motion to Compel Production is not a proper use of the Motion to Compel. Further, the defendants have shown no prejudice from the alleged violation of the STIPULATED PROTECTIVE ORDER AND NON-WAIVER ORDER, and counsel for the plaintiff has represented that no further communication using the database will occur, and, for those reasons and because it would be a disproportionate sanction to require the return of the databases as requested by the defendants considering the importance of the databases in the proofs relevant to class certification and the substantive issues in the case, the requested remedies are denied.

It is further ORDERED that the facts and legal contentions are adequately presented in the materials before the Court and oral argument would not aid the decisional process.

It is so ORDERED.

/s/

R.E.P

Robert E. Payne
Senior United States District Judge

Richmond, Virginia
Date: May 24, 2017